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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,794	04/06/1999	MARK E. BAER	28076/SV703A	5439

7590

12/03/2002

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EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

69/286,794

Applicant(s)

Baer et al

Examiner

Blount

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/10/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 49-67 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 49-56 and 62-67 is/are allowed.
- ☒ Claim(s) 57-61 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 8/20/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/286,794 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 57 - 61 are rejected under 35 U.S.C. 112 first paragraph for failing to enable one skilled in the art to make and use the invention.

In claim 57, it is stated that the motor assembly has the fan impeller disposed on the motor shaft. See line 3. However, as shown in figure 1, the fan impeller 45 is not disposed *on* the motor shaft 15. Further, on pages 5+ of the written portion of the specification, it is stated, starting on line 27, that:

“The impeller 45 having bores to accommodate the lugs on the drive washer 40 and keyways to accommodate the second upset portion 35 is placed on the shaft 15.”

This statement gives proper support for the claims for the method of assembly, where a transitory touching between the shaft and the impeller is sufficient. However, with regard to claims 57 - 61, directed to the motor assembly itself, this is insufficient, in view of the fact that in

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the finished product, the fan impeller is not disposed *on* the motor shaft, for it is stated on page 6, lines 2+, that:

“The second washer 50 also keyed to accommodate the second upset portion 35 is installed onto the shaft 15. After the drive washer 40, the impeller 45, and the second washer 50 have been installed, the motor shaft extension 55 is installed into abutment with the second washer 50.”


When read in conjunction with figure 1, it is clear that in the final, apparatus product, the fan impeller is not disposed “on” (a reasonable interpretation of “on” being “in contact with”) the motor shaft, especially since having the second washer 50 in abutment with the shaft extension would geometrically preclude such contact.

4. Claims 49 - 56 and 62 - 67 are allowed.

Contact Information

5. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday. His phone number is (703) 305-0319.

SB
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11/30/02


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